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SENATE

REPORT
102-46

AUTHORIZING THE ADDITIONAL USE OF LAND IN MERCED COUNTY, CALIFORNIA

APRIL 23 (legislative day, APRIL 9), 1991.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 545]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 545) to authorize the additional use of land in Merced County, California, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 545, as ordered reported, is to authorize Merced County, California to permit an elementary school to be built on land previously conveyed to the county by the United States, notwithstanding land use restrictions contained in the deed of conveyance.

BACKGROUND AND NEED

In 1973 the Department of the Interior conveyed 40 acres of surplus Federal property to Merced County, California. The deed of conveyance provided that the county was limited to using the property for public park and recreation purposes. Because of financial difficulties the county has been unable to develop the property for park or recreational purposes.

The county would like to permit 15 acres of the site to be used for an elementary school in response to the area's rapid growth rate. Currently the McSwain Union Elementary School District has one school to provide classes for kindergarten through eighth grades.

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S313-6.

S. 545 would allow the county to permit 15 acres of the parcel to be used for the elementary school, notwithstanding the restriction contained in the deed of conveyance.

LEGISLATIVE HISTORY

S. 545 was introduced by Senators Cranston and Seymour on March 5, 1991. Identical legislation was passed by the Senate and the House of Representatives as a floor amendment to S. 2343 on the last night of the 101st Congress, although the legislation was not enacted because of amendments to non-related provisions. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 545 on March 21, 1991.

At the business meeting on April 18, 1991, the Senate Committee on Energy and Natural Resources ordered S. 545 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on April 18, 1991, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 545 as described herein.

SECTION-BY-SECTION ANALYSIS OF S. 545

Section 1 authorizes Merced County, California (the "county") to permit the land described in section 3 to be used for an elementary school, notwithstanding the restrictions on land use under the terms of conveyance to the county by the United States.

Section 2 limits the authority of the county to use of the land for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a non-sectarian organization on a non-profit basis and in compliance with the laws of the United States and the State of California.

Subsection (b) provides that the county is to include information concerning the use of land for the school in its biennial reports to the Secretary of the Interior required under the terms of conveyance.

Subsection (c) states that any violations of the provisions of this Act shall be deemed to be a breach of the conditions under which the land was conveyed to the county by the United States.

Section 3 defines the parcel as the southernmost 15 acres of the 40 acres originally conveyed to the county by the United States.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following eval-

uation of the regulatory impact which would be incurred in carrying out S. 545. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 545, as ordered reported.

EXECUTIVE COMMUNICATIONS

On March 8, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 545. These reports had not been received at the time the report on S. 545 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

At the Subcommittee hearing on S. 545, a representative of the Department of the Interior testified that the Department had no position on S. 545.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 545, as ordered reported.

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